

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID RODRIGUEZ,

Plaintiff,

vs.

HOWARD SKOLNICK, *et al.*,

Defendants.

3:09-cv-00123-LRH-RAM

ORDER

Plaintiff, an inmate at Northern Nevada Correctional Center, is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act and the Rehabilitation Act. Plaintiff paid the filing fee in this action on May 29, 2009.

On June 12, 2009, the court entered a screening order in this case in which it dismissed without prejudice plaintiff's claim under the Americans with Disabilities Act (Docket #7).

On June 25, 2009, plaintiff filed a motion for reconsideration of the court's order of June 12, 2009 (Docket #9). Plaintiff asked the court to reconsider the dismissal of his ADA claim, arguing that he has sued individual defendants in their official capacities and that this is the equivalent of suing the institution which employs them. The court found no merit to this argument, and thus denied plaintiff's motion for reconsideration (Docket #10).

On July 29, 2009, plaintiff filed objections and a motion for clarification of the court's order of July 10, 2009. (Docket #11, #12.) These objections and motion for clarification are, in essence, a motion for further reconsideration of the court's order of June 12, 2009. The court has previously considered and rejected plaintiff's arguments, and will not consider them again.

1 **IT IS THEREFORE ORDERED** that plaintiff's objections filed July 29, 2009, are
2 **OVERRULED** (Docket #11).

3 **IT IS FURTHER ORDERED** that plaintiff's motion for clarification filed July 29, 2009, is
4 **DENIED** (Docket # 12).

5 **IT IS FURTHER ORDERED** that plaintiff is **GRANTED** thirty (30) days from the date of
6 service of this order to file an amended complaint, should he wish to do so. No extensions of time
7 will be granted. If plaintiff does not file an amended complaint within thirty (30) days, this case will
8 proceed on the original complaint.

9 DATED this 17th day of August, 2009.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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